

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI DARWICH,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR PRIVATE INVESTIGATOR**

Before the court is Defendant Ali Darwich's motion for a private investigator, filed on April 7, 2011. Defendant seeks investigative services because he is in prison and therefore unable to develop his case. He further indicates that he has a list of names from whom he wants the investigator to "take affidavits," and that he wants the investigator to testify at trial that the witnesses are not credible.¹ (Dkt. # 144 at 1-2.)

Under 18 U.S.C. § 3006A, "[c]ounsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application." 18 U.S.C. § 3006A(e)(1). If the court finds that the services are necessary and that the defendant is unable to afford them, the court must authorize counsel to obtain the services at public expense. *Id.*

Defendant here does not make any showing of necessity so as to justify the expenditure

¹Defendant also makes a passing representation that the Government is providing discovery to him in electronic form and he does not have access to a computer or to translation devices in prison. The court is not clear how this representation relates to a request for an investigator and will be addressed, if necessary, in relation to the pending motions for discovery.

of public funds to hire a private investigator. Other than stating he has a list of names to investigate, there is no other particularized need asserted for an investigator other than to generally "[prove he] is not guilty." (Dkt. # 144 at 3.) Defendant has not provided the list of names, or the reason it is necessary to interview them. Nor has Defendant adequately explained why he could not question them by letter or by telephone. In the absence of any showing of necessity,

IT IS ORDERED that the Defendant's motion for a private investigator [Dkt. # 144] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 17, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
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